

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ANTHONY EARL EMERY,	)	CASE NO. CV 11-7338-PSG (PJW)
	)	
Petitioner,	)	ORDER ACCEPTING REPORT AND
	)	ADOPTING FINDINGS, CONCLUSIONS,
v.	)	AND RECOMMENDATIONS OF UNITED
	)	STATES MAGISTRATE JUDGE, AND
MATTHEW CATE,	)	DENYING CERTIFICATE OF
	)	APPEALABILITY
Respondent.	)	
_____	)	

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the Petition, records on file, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a *de novo* review of those portions of the Report to which Petitioner has objected. The Court accepts the findings and recommendation of the Magistrate Judge.

Further, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right and therefore, a certificate of appealability is denied. See 28 U.S.C.

§ 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

DATED: October 22, 2013.



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PHILIP S. GUTIERREZ  
UNITED STATES DISTRICT JUDGE